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## **Curtis Files SCOTUS Amicus Brief for Ohio Justice & Policy Center in Prisoners' Rights Case**

**New York, May 16, 2022** – Acting as pro bono counsel, Curtis filed an *amicus* brief in the U.S. Supreme Court on behalf of the Ohio Justice & Policy Center (OJPC) in support of granting the petition for *certiorari* in *Gray v. White*, No. 21-1362, a case involving a prisoner's right to assert a claim for excessive force by prison guards in connection with a disciplinary violation.

"OJPC does important work ensuring that basic constitutional rights are enforced, and we are honored to assist OJPC in presenting its views to the Supreme Court on these important issues," said Curtis partner Juan Perla, who led the Curtis appellate team on this pro bono matter. Other members of the team included partners Barry Kingham and Robert Garcia, and associates Nathaniel Ament-Stone and Aubre Dean.

The case was brought by a prisoner in Louisiana, who alleges that prison guards attacked him without provocation, sprayed him with a chemical agent, and beat him severely, causing injuries including a broken nose and a bruised kidney. He filed a civil rights action under 42 U.S.C. § 1983, asserting claims for excessive force in violation of his constitutional rights including the right to be free from cruel and unusual punishment under the Eighth Amendment. As a defense, the guards relied on a prison board's findings that some of the alleged conduct was provoked and was a response to a disciplinary violation by the petitioner. That determination resulted in the revocation of the petitioner's good-time credit, which had the effect of extending his term of confinement. The U.S. Court of Appeals for the Fifth Circuit ruled that excessive-force claims may be barred by the Supreme Court's decision in *Heck v. Humphrey*, 512 U.S. 477 (1994), which forecloses the use of Section 1983 as a means of indirectly attacking the validity of a prisoner's conviction or sentence. The Fifth Circuit remanded to the district court for a "fact-specific analysis" as to whether the petitioner's claims are *Heck* barred.

Michael Zuckerman, a law professor at The Ohio State University's Moritz College of Law and litigation counsel at OJPC, stated: "Prisoners seeking to vindicate their constitutional rights face extraordinary legal hurdles already. The *Heck* bar has its purposes when it comes to challenging convictions and sentences, but broadening *Heck*'s reach to cover conditions-of-confinement claims is a misguided expansion of the doctrine. We at OJPC are grateful to the excellent team at Curtis for helping stand up for Section 1983 and the constitutional rights of incarcerated people across the country."

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